

MINUTES

BASEHOR CITY COUNCIL
January 17, 1994
7:30 PM
Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE

**MEMBERS PRESENT: Pres. Jerry Barlow, John Novak,
John Pfannenstiel, Charles Wilderson and
Jeff Scherer**

Others Present: John Thompson, Atty. Jane Scherer, Treas.
Bruce Browne, PE Mary Mogle, Clerk
William Mogle, WWTO Vince Weston, COP
Gary Schroeder & Bob Vervaecke, Plan Comm.
Brenda Smith, Basehor Sentinel
Citizens of Basehor

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The monthly meeting of the Basehor City Council was called to order by Mayor Odle at 7:30 P.M. Roll call was answered with all members present.

APPROVAL OF MINUTES

It was moved and seconded by J. Barlow and second by J. Scherer to approve the Minutes and December 20th poll of December 30th as written. All Aye. Motion Carried 5-0.

APPROVAL OF THE TREASURER'S REPORT

TREASURER'S REPORT - Councilman Scherer asked that the MIP of \$200,246.37 show a due date of 12/21/94 rather than 12/21/24 as written.

C. Wilderson moved to accept the December 1993 Treasurer's report as submitted with the amendment of Asset #021 being changed from 12/21/24 to 12/21/94 as the due date. J. Pfannenstiel second the motion. All Aye. Motion Carried 5-0.

INTERFUND TRANSFER - Treasurer, Jane Scherer, explained to the Board that in order to have money to pay the bills in December, she needs to make several interfund transfers in the General Government, General Police and Special Highway funds. This action does not require the budget to be amended, reported Scherer.

SCANNED

3-1-07 *lx*

A motion was made by J. Pfannenstiel to approve the interfund transfers within the General Fund for the General Government, General Police and Special Highway (copy attached to original Minutes). J. Barlow second the motion. All Aye. Motion Carried 5-0.

APPROVAL OF MUNICIPAL COURT REPORT

A motion was made by J. Barlow and second by J. Scherer to approve the December 1993 Municipal Court Report as submitted. All Aye. Motion Carried 5-0. (Receipts-4,289.00)

CITIZENS AND PETITIONS

ANNEXATION - Jeff Scherer petitioned Council to annex a piece of property north of Meyer Drive on the west side of 155th. There is a road easement and small tract of land between the city limits and the petitioned property.

J. Pfannenstiel moved the annexation be granted. C. Wilderson second the motion. Barlow called for discussion.

Councilman Barlow expressed concerns that a large portion of Basehor has not yet been developed. Mayor Odle reported a current Planning Board report states 62% of the city is still vacant and by annexing county property the taxpayers of Basehor are subsidizing outside city developers.

Councilman Pfannenstiel felt that a large portion of the vacant land was not easily developed. At this time Pfannenstiel called for a vote.

Councilman Jeff Scherer abstained due to financial involvement. Councilmen Novak, Wilderson and Pfannenstiel voted in favor of the annexation. Barlow voted against the annexation. The vote passed 3-1-1.

At this time, Mayor Odle stated he was vetoing the motion "because the Council lost sight of who they are representing. They are supposed to be representing the taxpayers not the developers inside and outside our city limits".

Council questioned the city attorney as to the legality of the Mayor's veto and if a 3-1-1 vote considered a three-fourths majority. Thompson stated he is uncertain and would like to table this action until the February meeting.

Clerk Mogle questioned the attorney as to if the Council was even able to annex this property since it is not

contiguous to the city limits and would be considered "spot-annexing". Thompson asked that this matter also be continued to the February meeting to give him ample time to research.

Mayor Odle suggested Council direct Thompson to acquire an Attorney General's opinion regarding his veto. Councilman Pfannenstiel stated Thompson's word was good enough for him and the AG's opinion was not necessary.

BASEHOR PLANNING COMMISSION

BEAUTIFICATION COMMITTEE - Planning Commission member, Gary Schroeder, reported that during the open forum portion of their January meeting, area resident, Lois Fulkerson suggested the south entrance along 155th Street be cleaned up. This discussion prompted the Planning Board to appoint a committee of three Boardmembers and two area residents to look into means in which to beautify the area.

Schroeder also requested Council allow the Board to review their sign and weed ordinance regarding vacant tracts of land.

Mayor Odle reminded Schroeder that 155th Street is still under county jurisdiction and permission would need to come from the county. Schroeder stated the County has stated that anything can go in their right-of-way as long as the property owners realize that if work needs to be performed, the County would not be responsible for replacing or repairing any lost items.

Lois Fulkerson requested Council consider constructing sidewalks along 155th Street at the time the new sewer line is installed.

Councilman Novak noted the December Planning Board Minutes questioned the proper procedures for spot annexing. At this time he directed the attorney to research the state statues and report at the February meeting.

CITY ENGINEER

EXECUTIVE SESSION - A motion was made by J. Novak and second by J. Pfanennstiel to adjourn into executive session for ten minutes regarding land acquisition. All Aye.

At 8:15 pm Mayor Odle reconvened the meeting. He announced that no action will be taken regarding the executive session.

SEWER BENEFIT DISTRICT - Engineer, Bruce Browne,

reported the plans for the south sewer district have been finalized and sent to Kansas Dept. of Health & Environment. He does not anticipate any problems in acquiring approval. Browne stated he has also contacted the county engineer and they have granted permission to occupy the right-of-way for the sewer line with certain stipulations which will increase the project cost.

Browne explained the sewer line will be placed on the east side of 155th Street since two water mains and a fiber optic line occupy the west side.

Browne informed Council they may want to go ahead and hire their appraisers and set a public hearing date. The appraisal will be based on the vacant land without improvements.

Mayor Odle was directed to compile a list of appraisers and submit to the Councilmembers one week prior to the February meeting.

CITY CLERK

SOLID WASTE CHARGES - Clerk Mogle explained the new solid waste contract does not stipulate an additional charge for businesses and residents (with businesses). Mogle requested Council consider reducing the monthly solid waste bill to the same amount as a residential pickup.

A motion was made by J. Scherer and second by J. Novak to reduce the monthly solid waste bill to those property owners currently being charged a business rate. All Aye. Motion Carried 5-0.

CITY ATTORNEY

WEIGHT RESTRICTIONS - City attorney, John Thompson, submitted for Council approval a resolution restricting commercial vehicles and equipment on city streets. The resolution still allows the vehicles to go a point of origin or destination within the city. The County has agreed to allow the Basehor Police Department to enforce the restriction on 155th Street, Leavenworth Road and Parallel.

Mayor Odle requested Section 1 of the resolution read "all streets".

It was moved by J. Novak to accept the Resolution to include "all streets" and with the approval of the Chief of Police. J. Pfannenstiel second the motion. All Aye. Motion

Carried 5-0. (Resolution was approved by Chief Weston at this time).

RESOLUTION 94-01. RESOLUTION OF THE CITY OF BASEHOR OF LEAVENWORTH COUNTY, KANSAS PROHIBITING THE USE OF CITY STREETS UNDER ITS JURISDICTION AND CONTROL BY COMMERCIAL TRUCKS, BUSES, AND OTHER COMMERCIAL VEHICLES.

MAYOR'S REPORT

Nothing to report at this time.

PRESIDENT JERRY BARLOW

JOHN NOVAK

BUSINESS LICENSE - Councilman Novak asked Council to consider revoking the ordinance requiring businesses to have a license. He feels that if not all businesses are going to voluntarily comply, then the City is penalizing those that do.

Councilman Pfannenstiel agreed with Novak stating the license is not accomplishing what it was originally intended for. Novak stated the clerk could send notices to all area businesses. Pfannenstiel felt this regulation was too time consuming for the office staff.

Scherer moved to abolish the resolution as of January 1, 1994. J. Pfannenstiel second the motion.

Wilderson called for discussion. He felt the City was in need of revenue and this was another way of finding out who was not paying sales tax.

Mayor called for a vote. Scherer and Pfannenstiel voted Aye. Wilderson, Novak and Barlow-No. Motion failed with a 2-3 vote.

JOHN PFANNENSTIEL

CHARLES WILDERSON

HOLIDAY LIGHTING CONTEST - Councilman Wilderson requested the City make another \$150.00 donation toward the annual Holiday Lighting Contest.

There was a brief discussion regarding the distribution and recipients of funds.

A motion was made by J. Pfannenstiel and second by J. Barlow to donate \$150.00 for the Holiday Lighting Contest with the money being spent exclusively within the city limits. All Aye. Motion Carried 5-0.

JEFF SCHERER

FIREWORK DISPLAY - Councilman Scherer asked Council to reconsider allocating funds for this years firework display.

Pfannenstiel suggested a "users fee" be assessed to those attending the festivities.

Council discussed ways of assessing the fees and the cost of insurance. Action was tabled to the February meeting.

OTHER BUSINESS

CAN BIN - Council discussed the location of the aluminum can recycling bin. Comments were made regarding the disarray of the area and feels that it might be better served at the park location. It was also suggested having Miller Sign Shoppe make a sign letting people know the canister had been relocated to the park.

ADJOURNMENT

There being no further business to discuss, J. Novak moved to adjourn the meeting. J. Barlow second the motion. All Aye. Meeting adjourned at 9:15.

Submitted for Council approval the 21st day of February, 1994.

Respectfully,



Mary A. Mogle,
City Clerk